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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,759	04/16/2001	Emilio Barbera-Guillem	B-63	5302
21130	7590	09/13/2005	EXAMINER	
BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP ATTN: IP DEPARTMENT DOCKET CLERK 2300 BP TOWER 200 PUBLIC SQUARE CLEVELAND, OH 44114			BLANCHARD, DAVID J	
			ART UNIT	PAPER NUMBER
			1643	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

09/835,759

Examiner

David J. Blanchard

Applicant(s)

BARBERA-GUILLEM, EMILIO

Art Unit

1643

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 30 August 2005 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The response filed 8/30/2005 has canceled claims 6, 13, 74-76, 79, 87-89, 91, 97-99, 101, 109-111 and 113 to place the present application in better condition for appeal by narrowing the issues pertaining to this application. Thus, the rejection of claims 6 and 13 under 35 U.S.C. 112 second paragraph for indefiniteness is withdrawn in view of the cancellation of the claims. The rejection of claims 6, 13, 79, 91, 101 and 113 under 35 U.S.C. 112, first paragraph for lack of enablement is withdrawn in view of the cancellation of the claims. The objection to claims 74-76, 87-89, 97-99 and 109-111 under 37 CFR 1.75 as being of improper dependent form is withdrawn in view of the cancellation of the claims.

Status of the remaining claims.

The rejection of claims 1-2 and 7-10 under 35 U.S.C. 102(b); the rejection of claims 1-5, 7-12, 69-73, 77-78, 80-86, 90, 92-96, 100, 102-108 and 112-115 under 35 U.S.C. 103(a) and the rejection of claims 70-71, 73, 78, 82-84, 86, 89, 90, 93-94, 96, 100, 105-106 and 108 under 35 U.S.C. 112, first paragraph for failing to comply with the written description requirement are maintained and will be addressed in the Examiner's Answer.

Respectfully,
David Blanchard
571-272-0827



LARRY R. HELMS, PH.D.
SUPERVISORY PATENT EXAMINER